

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PETE WRIGHT,)	
)	
Petitioner,)	
)	
v.)	No. 4:12CV1178 RWS
)	
TERRY RUSSELL,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is not entitled to relief, and I will summarily dismiss the petition.

Petitioner seeks to attack his 1988 Jackson County conviction for forcible sodomy and felonious restraint, for which he was sentenced to thirty years' imprisonment. Petitioner previously sought to attack his sentence in a § 2254 petition, Wright v. Roper, 4:99CV377 DW (W.D. Mo.) (dismissed as time-barred), and in a § 2241 petition, Wright v. Gammon, 4:01CV287 DW (W.D. Mo.) (construed as a § 2254 petition and dismissed as successive). Petitioner apparently seeks to categorize the instant petition as coming under § 2241 in order to bypass the AEDPA's restrictions on time-barred and successive habeas motions.

Regardless of whether the instant petition is categorized as coming under § 2241 or § 2254, petitioner is not entitled to relief. A § 2241 petition is not available to a state prisoner challenging a state sentence, and petitioner may not file a successive § 2254 petition without first getting permission from the United States Court of Appeals for the Eighth Circuit. As a result, I will dismiss the petition without further proceedings. See 28 U.S.C. § 2254 Rule 4.

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED**.

IT IS FURTHER ORDERED that petitioner's motion for leave to file without copies of the state courts' decisions [Doc. 8] is **MOOT**.

IT IS FURTHER ORDERED that I will not issue a certificate of appealability.

An Order of Dismissal will be filed contemporaneously with this Memorandum and Order.

Dated this 27th day of August, 2012.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE